

DEPARTMENTAL REGULATION		Number: 3080-001
SUBJECT: Records Disposition	DATE: August 30, 1984	
	OPI: Information Management Division, Office of Information Resources Management	

1 PURPOSE

This regulation prescribes the policies, responsibilities, and procedures for the orderly disposition of records within the Department of Agriculture. The Records Disposition program is designed to help managers carry out their responsibilities and at the same time establish and maintain an active, continuing program for the economical and efficient management of records.

2 REFERENCES

- a Federal Property Management Regulations, Subparts 101-11.102-7, 101-11.4, and 101-36.12
- b Disposition of Federal Records - GSA Records Management Handbook.
- c Chapters 29, 31, and 33 of Title 44, U.S. Code.
- d Title 8, Records Management, GAO Policy and Procedures Manual for Guidance of Federal Agencies.
- e GSA Bulletin FPMR B-106, Personal Papers and Official Records, dated October 30, 1980.

3 SPECIAL INSTRUCTIONS/CANCELLATIONS

Chapter 12, section 3, of Title 5 of the Administrative Regulations is replaced by this regulation.

4 ABBREVIATIONS

FPMR	-	Federal Property Management Regulations
GAO	-	General Accounting Office
GSA	-	General Services Administration
NARS	-	National Archives and Records Service
USDA	-	United States Department of Agriculture

5 POLICY

- a Each agency and staff office will establish a records disposition program in compliance with the provisions of this regulation.
- b Records created or received by the Department of Agriculture in pursuance of Federal law or in connection with the transaction of public business are the property of the United States Government. They must not be removed from the custody of this Department, destroyed, or otherwise disposed of without obtaining proper authority from the National Archives and Records Service, General Services Administration.
- c All records, regardless of their physical form, may only be disposed of in accordance with NARS approved agency disposition schedules or the general records schedule. It is not the physical form of the record that determines the retention and disposal action but the content of information and its use.

6 FORMS

- SF-115, Request for Records Disposition Authority
- SF-135, Records Transmittal and Receipt
- SF-135-A, Records Transmittal and Receipt (Continuation)
- SF-258, Request to Transfer, Approval, and Receipt of Records to National Archives of the United States
- GSA Form 3170, Notice of Intent to Destroy Records
- OF 11, Reference Request - Federal Records Centers

7 DEFINITIONS

- a Accessions. The act and procedures involved in a transfer of legal title and the taking of records or papers into the physical custody of an archival agency or a records center. In records center operations, transfer of legal title may not be involved.
- b Agency Disposition Schedule. Documentation of agency-generated records which reflects the retention periods and disposition actions related to those records. The document MUST BE APPROVED by NARS. Also known as a "records schedule," "records control schedule," and or "retention schedule."
- c Agency Holding Areas. Agency-maintained holding areas for types of records whose retention periods are not long enough to warrant transfer to a Federal Archives and Records Center but whose immediate usefulness to the creating office is over. Agency holding areas should never be used for permanent records which should be transferred to NARS.
- d Appraisal. The process of determining the value and thus the disposition of records based upon their administrative and other uses, their evidential and informational or research value, their arrangement, and their relationship to other records.
- e Current Records. (Also referred to as "active records.") Records are necessary for conducting the current business of an office and must be maintained in office space and equipment.
- f Disposal. Physical destruction of records.
- g Disposal Authority. Legal authorization for the disposal of records obtained from the Archivist of the United States and, for certain series, from the Comptroller General.
- h Disposition. Actions taken with regard to records following their appraisal. The actions include transfer to a records center for temporary storage, transfer to an archival agency, donation to an eligible repository, image reproduction, or destruction.
- i Federal Archives and Records Center. A GSA facility for the low-cost and efficient storage and furnishing of reference service on semicurrent records pending their ultimate disposition.
- j General Records Schedule. Schedules issued by NARS which provide disposition standards for records of specified recurring series common to several or all Federal agencies. Use of the General Records Schedule is mandatory.
- k Noncurrent Records. (Also referred to as "inactive records.") Records no longer required in the conduct of current business and therefore can be accessioned by an archival repository or destroyed.
- l Nonrecord Material. Copies of documents that are kept only for convenience or reference, stocks of publications and processed documents, and library or museum material intended solely for reference or exhibition.
- m Permanent Records. Records appraised by NARS as having enduring value because they document the organization and functions of the agency that created or received them and/or because they contain significant information on persons, things, problems, and conditions with which the agency dealt.

n Personal Papers. Papers of a private or nonofficial character which pertain only to an individual's personal affairs.

o Record Material. All books, papers, maps, photographs, machine- readable materials, or other documentary materials, regardless of physical form or characteristics, made or received by an agency of the U.S. Government under Federal law or in connection with the transaction of public business. They are preserved or are appropriate for preservation by that agency or its legitimate successor as evidence of the organization, functions, policies, decisions, procedures, operations, or other activities of the Government or because of the informational value of data in them.

p Record Series. File units or documents arranged in accordance with a filing system or maintained as a unit because they relate to a particular subject or function, result from the same activity, have a particular form, or because of some other relationship arising out of their creation, receipt, or use. In machine-readable records/archives, a data base or groupings of closely interrelated data elements within or among data bases, can be considered a records series.

q Temporary Records. Records which are disposable after a fixed period of time or, if NARS has granted an exemption, after an event.

r Unscheduled Records. Records for which no ultimate disposition has been determined.

8 RESPONSIBILITIES

a Information Management Division, Office of Information Resources Management, has overall responsibility for the Departmentwide records disposition program. The Information Management Division will:

- (1) Develop policies, procedures, and guidelines to improve the effectiveness of the USDA records disposition program.
- (2) Provide assistance and advice to agencies and staff offices on records disposition matters when requested.
- (3) Act as liaison with NARS on overall direction of the Department's Records Disposition Program.
- (4) For staff offices, act as liaison with NARS on scheduling, transferring, and disposing of staff office records.
- (5) Direct, coordinate, or conduct selective reviews of USDA agency and staff office records disposition programs.
- (6) Represent the Department in matters relating to records disposition.
- (7) Coordinate records disposition with other areas of information management.

- b Agencies and Staff Offices will:
 - (1) Assure that their organizations have established a records disposition program in conformity with this regulation.
 - (2) Manage, control, and coordinate all records disposition activities within their organization through their Records Managers.
- c Agency Records Manager. Agency Records Managers will:
 - (1) Issue appropriate directives establishing their own internal records disposition programs within 6 months of the date of this regulation. A copy of these directives should be sent to the Information Management Division, OIRM.
 - (2) Assure that agency records are properly scheduled and removed from office space and equipment in a timely manner. Agencies will deal directly with NARS on scheduling, transferring, and disposing of agency records.
 - (3) Provide assistance and advice to agency personnel on records disposition matters.
 - (4) Evaluate the records disposition activities of subordinate offices.
- d Staff Office Records Managers. Coordinate with the Information Management Division, OIRM, on all matters relating to records disposition.
- e All employees will:
 - (1) Safeguard records until they are authorized for disposition. The theft, falsification, mutilation, or unauthorized disposition of official records is prohibited by law and subject to penalty.
 - (2) Submit records to authorized successors when leaving any position in the Federal Government.

9 ELEMENTS OF A RECORDS DISPOSITION PROGRAM

- a An effective records disposition program achieves the efficient and cost-effective disposition of records. The program involves developing standards, procedures, and techniques for managing records. It includes scheduling records for disposition and administering their storage, documenting agency benefits accrued from an effective disposition program, and undertaking surveys and audits of disposal operations.
- b Each agency is required to comply with the requirements of subpart 101-11.4 of the Federal Property Management Regulations in managing their records disposition programs. The primary steps in developing such a program are as follows:

- (1) Inventory all records in the custody of the agency.
- (2) Develop disposition standards for each type or series of records which specify whether the records are of permanent or temporary value
- (3) Formulate specific disposition instructions for each series of records based on the disposition standards, including instructions for the retirement records to a Federal Archives and Records Center and/or transfer to NARS.
- (4) Develop a comprehensive agency records disposition schedule and obtain NARS approval of the schedule.
- (5) Apply the approved records disposition schedule to all records of the agency.
- (6) Review agency disposition schedules and, if necessary, update annually.

10 GENERAL RECORDS SCHEDULES

Application of the disposition instructions in the General Records Schedules is mandatory. Agencies desiring authority to deviate from the disposition instructions prescribed in the General Records Schedules MUST request this authority from NARS, in accordance with FPMR 101-11.406.3 and justify the request in accordance with FPMR 101-11.406.8.

11 AGENCY DISPOSITION SCHEDULES

a Disposal of Records. Each USDA agency and staff office is required to prepare a comprehensive records schedule for all records in its custody. New agencies are to complete a comprehensive schedules within one year of their establishment. A comprehensive agency schedule provides for destroying records that no longer have sufficient value to justify further retention; sending records to the Federal Archives and Records Centers until they are eligible for further disposition action; retaining the minimum volume of current records in office space and equipment consistent with efficient operations; identifying permanent records; and establishing cutoff periods after which permanent records are offered to NARS.

b General Accounting Officer Clearance. Agencies must obtain the approval of the Comptroller General for disposal of program records less than three years old and for certain classes of records relating to claims and demands by or against the Government, or to accounts in which the Government is concerned in accordance with Title 8 of the General Accounting Office Policy and Procedure Manual, "Records Management". This approval must be obtained before the approval of the disposal request by NARS.

c Withdrawal of Disposal Authority. GSA will withdraw disposal authorizations in approved disposal schedules in an emergency or in the interest of efficiency of Government operations.

d Keeping Record Schedules Current. This is an important responsibility of both records managers and the program officials creating the records. If records are being created which are not covered by your agency's records schedule, contact your agency records manager.

e Changes in Disposal Schedules. Any changes to be made in an approved disposition schedule for a series of records can be accomplished by submitting an SF-115, Request for Records Disposition Authority, with justification for the deviation, to NARS. Approval of changes automatically supersedes a previously approved schedule. The retention periods stated for the items in the schedule are mandatory. This means that they provide for a minimum time period after which records can be destroyed, but they may not be destroyed earlier.

f Extension of Retention Periods. Upon submission of adequate justification, NARS may authorize an agency to extend the retention period of a series of records. On changes pertaining to records which are or will be in the custody of a Federal Archives and Records Center, the center(s) will be notified of the change(s) and the agencies will be furnished with a copy of the notification.

12 DISPOSAL LISTS

Agencies may request from NARS a one-time approval to dispose of records which no longer accumulate and have no further operational or other value by submitting an SF-115. This type of request is known as a disposal list and, when approved, must be applied to the records listed.

13 PERMANENT RECORDS

a A permanent record is any record that has been determined by NARS to have sufficient value to warrant its preservation by NARS.

b Permanent records should be offered for transfer to NARS as soon as the agency no longer needs them for day-to-day operations. They would receive special attention and not be mixed in with other records. They should be identified as such in agency records schedules. They can also be offered to NARS by submitting an SF-258, Request to Transfer, Approval, and Receipt of Records to National Archives of the United States. See GSA's Disposition of Federal Records for detailed procedures on transferring these records.

c Legal title to permanent records transferred to NARS passes from the agency to the Archivist.

14 TEMPORARY (NONARCHIVAL) RECORDS

Temporary (nonarchival) records are records which have been determined by the Archivist of the United States to have insufficient value (on the basis of current archival standards) to warrant preservation by NARS. Temporary records are designated as such in an agency's records disposition schedule approved by NARS, in a General Records Schedule, or on a one-time authorization to dispose of the records identified on a disposal list. Temporary records transferred to Federal records centers continue to be agency property.

15 PERSONAL PAPERS

a Filed Separately from Official Records. In addition to defining personal papers, FPMR 101-11.202-2(d) specifies that if they are kept in the office of a Federal official, they must be clearly designated as nonofficial and at all times be filed separately from the official records of the office. In cases where matters requiring the transaction of official business are received in private personal correspondence, the portion of such correspondence that pertains to official business must be extracted and made a part of the official files. If there are any doubts as to whether records are personal papers or official records, contact your agency records manager.

b Disposal. Personal papers may be disposed of without any special authority after they have served their purpose. In no case should officials maintain so many personal papers as to exceed reasonable administrative costs.

16 ELECTRONIC RECORDKEEPING

While FPMR 101-36.12 specifies how computer tapes are to be handled, little guidance currently exists for handling records created, sorted, and transmitted in electronic media on personal computers, word processors, and other similar devices. A GSA interagency task force is currently addressing this issue. Until more detailed guidance is developed, agencies need to keep the following concerns in mind.

a Record Status. The fact that information is created or stored electronically has no bearing on whether that information is record or nonrecord. Record status is determined by the same criteria used for all information.

(1) The decision about whether an electronic document is a record needs to be made much earlier than for paper because of the ease of erasing or changing the record.

(2) If the same information is stored on more than one medium (such as paper and disk), agencies should determine which set of information constitutes the record. Then, the material on the other medium can be considered reference copies and be discarded.

(3) Only when records are stored on electronic media would special standards for electronic recordkeeping be needed.

b Appropriate Record Storage Medium. Records may be stored in a variety of media including paper, film, magnetic tape or disks, and optical disks. Each medium has

characteristics that may make it suitable or unsuitable for storage depending on the following requirements.

- (1) Need to quickly retrieve the information.
- (2) Need for more than one person to have the information simultaneously.
- (3) Need for the ability to transfer information while maintaining its integrity.
- (4) Need to retain the information until the authorized disposition date.

During the time the information must be retained, it may be desirable or necessary to transfer it from one medium to another to reduce costs, continue to have the information available, enhance the usefulness of the information, or to ensure the long-term preservation of the information.

c Disposal of Electronic Records. As with paper records, electronic records can only be disposed of according to an approved agency records control schedule or a General Records Schedule. In addition, personnel should follow the agency's established procedures for the systematic disposal of records.

d Retrieval of Electronically Stored Records. Agency personnel should always be able to retrieve electronically stored records until their authorized disposition. This requirement is important when an agency upgrades its automated system or replaces it with a new one. Records stored on the old system should be converted, or the new system should be designed so that these records continued to be usable until their authorized disposition date.

17 DISPOSAL OF RECORDS

a Record material can only be disposed of in accordance with a NARS approved agency disposition schedule and/or the General Records Schedule.

b Nonrecord material (extra copies of documents kept for reference only and preliminary worksheets, etc.) should not be interfiled with record material, but should be filed separately to facilitate an orderly records disposition. Nonrecord material may be disposed of when the material serves no further use.

18 METHODS OF DISPOSAL

a Sale or Salvage

- (1) Paper records. Paper records to be disposed of normally may be sold as wastepaper. In the Washington, D.C., complex, white bond typing paper, white non-glossy duplicating paper, and carbonless white

computer paper should be collected in accordance with the Departmental Paper Recycling Program.

(2) Film Records. In cases of film, destruction should be carried out so as to salvage its silver content.

b Restricted Records. If records are restricted, the wastepaper contractor is required to pulp, macerate, or shred the records and a Federal employee must witness the disposal.

c Donation for Preservation and Use. When the public interest will be served, an agency may propose the transfer of records authorized for disposal to an eligible person, organization, institution, corporation, or government (local or foreign) that has made application for them. All transfers require approval from NARS.

d Emergency Destruction

(1) Menaces to Human Life or Health, or to Property. Whenever an agency head determines that certain records constitute a continuing menace to human health or life or property, he or she is to notify NARS, specifying the nature of the records, their location and quantity, and the nature of their menace. If NARS concurs, they will direct the agency head to immediately remove the menace by destruction of the records or other appropriate means.

(2) State of War or Threatened War. Destruction of records outside the territorial limits of the continental United States is authorized whenever, during a state of war between the United States and any other nation or when hostile action by a foreign power appears imminent, the agency head determines that their retention would be prejudicial to the interest of the United States, or that they occupy space urgently needed for military purposes and are without sufficient value to warrant preservation. NARS must be sent a detailed written report within 6 months of this type of destruction.

e Damage to and Unauthorized Disposition of Records. Unauthorized disposition is the removal from Federal custody or destruction of records without regard to the provisions of agency disposition lists and schedules that have been approved by NARS or the General Records Schedule. The head of each USDA agency and staff office shall submit a written comprehensive report on any unlawful removal, defacing, alteration, or destruction of records to the Administrator of GSA and, with the Administrator's assistance, initiate action through the Attorney General for the recovery of the records known or believed to have been unlawfully removed from the agency in question.

Private or personal papers are not governed by the above provision.

19 TRANSFER OF RECORDS BETWEEN AGENCIES

a NARS Approval. The head of any executive agency may request the transfer of records to or from his or her agency after seeking, through written request, approval from

NARS, except when the transfer is required by Executive Order or statute or the transfer involves two agencies in the same department.

b Records of Terminated Agencies. Agencies whose functions are terminated or are in process of liquidation are subject to all requirements of FPMR Subpart 101-11.4 and cannot transfer records except in accordance with its provisions.

c Equipment. Records storage equipment will be transferred with records contained in them in accordance with arrangements previously agreed to by the agencies concerned.

d Cost of Transfers. Approved transfers will be made without reimbursement to the agency of original custody for any cost involved, except when this reimbursement is previously agreed to by agencies involved.

e Restrictions on the Use of Records. Any restrictions imposed on records transferred will continue in effect after the transfer. They may be removed by agreement of the agencies involved.

f Exceptions. Prior written approval by NARS for the transfer of records need not be required when:

(a) Records are transferred to a Federal Archives and Records Center or to NARS by prior approval by GSA or the General Records Schedule.

(b) Records are loaned for official use.

(c) The transfer of records or functions or both is required by statute, Executive Order, or Presidential reorganization plan, or by specific determinations made thereunder.

20 TRANSFER OF RECORDS TO THE FEDERAL ARCHIVES AND RECORDS CENTERS

a Criteria for Transferring. Records can be transferred to a Federal Archives and Records Center when they meet the following criteria:

(1) They are listed on a NARS-approved records disposition schedule and have been designated for transfer to the records center.

(2) They are not needed to carry out current agency operations.

(3) They are referred to only occasionally (usually not more than once a month per file drawer in the normal course of events).

(4) They are not eligible for destruction within 3 years of the date of transfer. (If savings to the Government will result, however, this provision can be waived.)

(5) They cost less to transfer than to retain them in agency space and equipment. The storage cost of agency office space averages \$13.34 per cubic foot, compared to only \$.89 per cubic foot of center storage space (as of May 1984).

b Contingent Disposition. Federal Archives and Records Centers will no longer accept records that are scheduled for contingent disposition unless NARS has granted an exemption.

c Types of Material Accepted. All records centers, provide environmental control for magnetic tape, motion picture film, microfilm, and related materials.

21 PREPARATION OF MATERIAL TO BE SENT TO A FEDERAL ARCHIVES AND RECORDS CENTER

a Before transferring records, dispose of all nonrecord material and all records which have reached their disposition date.

b Use regulation cartons which are available from Central Supply Stores Warehouse. Specify NSN 8115-00-117-8344 or NSN 8115-00-117-8249 for "tuck-bottom" boxes. Field personnel will order through their regional GSA Supply Depot. Specialized boxes are also available for odd-size records. Contact your records staff before making such shipments.

c Preserve the existing filing arrangement when packing. Pack folders upright. Letter-size folders should face the front of the carton and legal-size folders face the left side of the carton. Fill carton completely.

d Number the cartons sequentially with a permanent black marker in the upper right front corner. Write the accession number in the upper left front of the container.

e When arranging boxes for pickup to the loading platform, place the lowest numbered boxes on the bottom ending with the highest numbered boxes on top (e.g. box 1 will be on the bottom, box 49 on top). When cartons are moved, movers will reverse the order of the cartons so that the material will be in the order required by records center personnel for their pickup from the loading platform.

f Shipments should not combine odd-size and standard size cartons. If it is absolutely necessary to ship mixed sizes together to maintain the integrity of a series of records, the different size documents should be assigned different accession numbers on the SF-135.

g All transfers must be accompanied by SF-135, Records Transmittal and Receipt and, if appropriate, SF-135-A, Records Transmittal and Receipt (Continuation). If assistance is needed to complete the SF-135, contact your records office.

h Records Centers will not accept an accession if any of the following deficiencies occur:

(1) The boxes are not arranged properly. (See section 21e.)

- (2) The records in the boxes are not in searchable order.
- (3) An SF-135 is not in the first box.
- (4) The number of boxes in the accession does not match the number listed on the SF-135.
- (5) Some or all of the boxes are non-standard size containers not approved for accessioning on the SF-135.
- (6) The boxes are not "tuck-bottom" and the bottoms are not securely taped.
- (7) New accessions and refiles are arranged together.
- (8) The boxes are not full.
- (9) The accession number, box number and the number of boxes are not clearly and neatly marked on the front and only the front of the box (12" x 10" end --- no paste on labels).
- (10) The accession number or box number is obscured by tape or written on tape.

22 DESTRUCTION OF RECORDS BY THE FEDERAL ARCHIVES AND RECORDS CENTER

Transferring records to a records center is not a substitute for disposing of them. An essential function of a records center is the prompt removal of all disposable records from its shelves with the authorization of the agency. Before destroying any records, GSA will obtain concurrence from the agency by transmitting a GSA Form 3170 for agency approval.

23 REQUESTING RECORDS FROM THE FEDERAL ARCHIVES AND RECORDS CENTER

a Recalling Records From the Centers. When it is necessary to recall records stored in a center, prepare an Optional Form 11. Provide an accurate description of the records being requested. Send the form to the center which serves your area.

b Returning Records to the Centers. If the recall involved several boxes of material, see section 21e for arrangement of boxes being returned to the centers.

c Visiting Centers. In special circumstances, agencies can request that they be allowed to review records at the center. Appropriate credentials (Government identification card) are required to gain access to the reference room.

d Emergency Telephone Requests. Should the need arise, the following records centers policies and procedures will apply.

- (1) Emergency telephone request hours are 9 a.m.- 3:30 p.m.
- (2) Callers will be asked to state the nature of the emergency.
 - (3) Callers who cite the Privacy Act or the Freedom of Information Act as the reason for the emergency will be asked to give a control or log number.
 - (4) Callers requesting mail-outs within the Washington, D.C., Metropolitan area will be asked to supply a US Express Mail account number or to arrange for pickup by other courier service. The Centers believe that in most cases, agencies should pickup true emergency requests.

24 AGENCY RECORDS CENTERS

Agencies are authorized to maintain and operate records centers for the storage, servicing, and disposal of their own noncurrent records. When these centers are approved by GSA, such centers must comply with the requirements of FPMR 101-11.412.